

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SAGAMORE INSURANCE,)	
an Indiana corporation)	
Plaintiff,)	
)	
vs.)	Case No. 4:08CV01796 ERW
)	
EJ EXPRESS TRUCKING, LLC, and)	
JASMIN MUSTEDANAGIC,)	
an individual,)	
Defendants.)	

AMENDED MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Sagamore Insurance's Motion to Enforce Settlement and Entry of Consent Judgment [ECF No. 23].

On October 16, 2009, the Court approved a settlement agreement between Plaintiff and EJ Express Trucking, LLC (Defendant).¹ The agreement states that Defendant is to pay \$24,000.00 in 24 monthly payments of \$1,000.00 beginning on October 1, 2009. The agreement also states that Defendant would execute a Consent Judgment in the amount of \$30,000.00 if Defendant defaulted on the agreement. The Court retained jurisdiction in the matter in the event Defendant should default on the agreed terms [ECF No. 22].

Defendant missed its payment on July 1, 2011. Under the terms of the settlement agreement, Defendant had until July 31, 2011 to cure the default. Defendant did not cure its default and then did not make its August 2011 payment. Defendant has made payments totaling \$19,000.00 of the \$24,000.00 settlement amount.

¹ On October 7, 2009, all claims were dismissed without prejudice against Defendant Jasmin Mustedanagic [ECF No. 20]. Thus, EJ Express Trucking LLC is the only defendant bound to the settlement agreement.

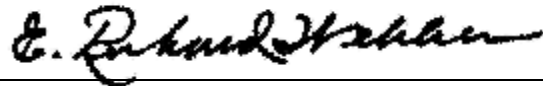
On August 19, 2011, Plaintiff filed this pending motion. On August 30, 2011, the Court ordered Defendant to show cause by September 9, 2011 why Plaintiff's motion should not be granted [ECF No. 24]. Defendant did not respond. Subsequently, the Court contacted Defendant's counsel-of-record pointing out the missed deadline. As of this date, a response has not been filed with the Court.

Accordingly,

IT IS HEREBY ORDERED that Defendant EJ Express Trucking, LLC, has until October 3, 2011 to respond to the Court's September 9, 2011 show cause order.

IT IS FURTHER ORDERED that if Defendant does not respond by October 3, 2011, Plaintiff's Motion to Enforce Settlement and Entry of Consent Judgment **will be GRANTED** and the consent judgment **will be ENTERED** against Defendant.

Dated this 23rd day of September, 2011.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written above a horizontal line.

E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE